

## § 76.1

76.787 What definitions apply to this subpart?

### RESPONSIBILITIES FOR NOTICE AND INFORMATION

76.788 What are a charter school LEA's responsibilities under this subpart?

76.789 What are an SEA's responsibilities under this subpart?

### ALLOCATION OF FUNDS BY STATE EDUCATIONAL AGENCIES

76.791 On what basis does an SEA determine whether a charter school LEA that opens or significantly expands its enrollment is eligible to receive funds under a covered program?

76.792 How does an SEA allocate funds to eligible charter school LEAs under a covered program in which the SEA awards subgrants on a formula basis?

76.793 When is an SEA required to allocate funds to a charter school LEA under this subpart?

76.794 How does an SEA allocate funds to charter school LEAs under a covered program in which the SEA awards subgrants on a discretionary basis?

### ADJUSTMENTS

76.796 What are the consequences of an SEA allocating more or fewer funds to a charter school LEA under a covered program than the amount for which the charter school LEA is eligible when the charter school LEA actually opens or significantly expands its enrollment?

76.797 When is an SEA required to make adjustments to allocations under this subpart?

### Applicability of This Subpart to Local Educational Agencies

76.799 Do the requirements in this subpart apply to LEAs?

### Subpart I—What Procedures Does the Secretary Use To Get Compliance?

76.900 Waiver of regulations prohibited.

76.901 Office of Administrative Law Judges.

76.902 Judicial review.

76.910 Cooperation with audits.

AUTHORITY: 20 U.S.C. 1221e-3, 3474, 6511(a), and 8065a, unless otherwise noted.

SOURCE: 45 FR 22517, Apr. 3, 1980, unless otherwise noted. Redesignated at 45 FR 77368, Nov. 21, 1980.

## 34 CFR Subtitle A (7-1-05 Edition)

### Subpart A—General

#### REGULATIONS THAT APPLY TO STATE-ADMINISTERED PROGRAMS

#### § 76.1 Programs to which part 76 applies.

(a) The regulations in part 76 apply to each State-administered program of the Department.

(b) If a State formula grant program does not have implementing regulations, the Secretary implements the program under the authorizing statute and, to the extent consistent with the authorizing statute, under the General Education Provisions Act and the regulations in this part. For the purposes of this part, the term *State formula grant program* means a program whose authorizing statute or implementing regulations provide a formula for allocating program funds among eligible States.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 45 FR 84059, Dec. 22, 1980; 50 FR 29330, July 18, 1985; 52 FR 27804, July 24, 1987; 54 FR 21776, May 19, 1989; 55 FR 14816, Apr. 18, 1990]

#### § 76.2 Exceptions in program regulations to part 76.

If a program has regulations that are not consistent with part 76, the implementing regulations for that program identify the sections of part 76 that do not apply.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 54 FR 21776, May 19, 1989]

#### ELIGIBILITY FOR A GRANT OR SUBGRANT

#### § 76.50 Statutes determine eligibility and whether subgrants are made.

(a) Under a program covered by this part, the Secretary makes a grant:

(1) To the State agency designated by the authorizing statute for the program; or

(2) To the State agency designated by the State in accordance with the authorizing statute.

(b) The authorizing statute determines the extent to which a State may: